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Attorneys for Plaintiff The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-3

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-3,

Plaintiff,

vs.

CASTLE BAY SHORE VILLAGE OF LOS
PRADOS HOMEOWNERS ASSOCIATION
A/K/A CASTLE BAY SHORE COMMUNITY
ASSOCIATION, INC.; NEVADA
ASSOCIATION SERVICES, INC.; AND
NEVADA NEW BUILDS, LLC,

Defendants.

NEVADA NEW BUILDS, LLC,

Counterclaimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-3,

Counterdefendant.

Case No.: 2:16-cv-00416-JCM-GWF

**STIPULATION AND ORDER TO STAY
RULE 30(B)(6) DEPOSITION OF BNY
MELLON**

Plaintiff The Bank of New York Mellon f/k/a the Bank of New York, as Trustee for the Certificateholders CWALT, Inc., Alternative Loan Trust 2006--6CB, Mortgage Pass-Through Certificates, Series 2006-6CB (**BNY Mellon**) and Castle Bay Shore Village of Los Prados Homeowners Association a/k/a Castle Bay Shore Community Association (collectively, the **parties**) file this stipulation to stay the deposition of BNY Mellon's rule 30(b)(6) witness.

I. REASON WHY EXTENSION IS REQUIRED.

Discovery closes on November 2, 2016. [ECF No. 31]. Good cause exists to stay the deposition and extend the discovery period and the deadline to file dispositive motions solely to accommodate the stayed deposition of BNY Mellon. The deposition of BNY Mellon's corporate representative was scheduled for November 1, 2016; however, a dispute arose between the parties as to the proposed deposition topics and location. The parties extensively met and conferred on the issues, but were unable to reach resolution. Given these issues have already been briefed and are pending before Magistrate Judge Foley in the form of four motions for protective order, the parties agreed to stay the deposition pending the resolution of those motions.¹

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¹ See *Bank of Am., N.A. v. Azure Manor/Rancho de Paz Homeowners Assoc., et al.*, civil case no. 2:16-cv-00764-GMN-GWF (D. Nev.); *Bank of Am., N.A. v. Sonrisa Homeowners Assoc., et al.*, civil case no. 2:16-cv-00848-JCM-GWF (D. Nev.); *Nationstar Mortg. LLC v. Green Valley South Owners Assoc. No. 1, et al.*, civil case no. 2:16-cv-00883-GMN-GWF (D. Nev.); *Bank of Am., N.A. v. Aliante Master Assoc., et al.*, civil case no. 2:16-cv-00591-GMN-GWF (D. Nev.).

By so agreeing, the parties seek to avoid the unnecessary expenditure of judicial resources and fees concomitant with re-briefing issues already before the court. The parties further agree that within ten (10) days of resolution of the pending motions for protective order, they will meet and confer regarding the topics and location of the deposition. Lastly, the parties agree that dispositive motions are due thirty (30) days after the completion of the deposition.

DATED this 2nd day of November, 2016.

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP <u>/s/ I-Che Lai</u> JORGE A. RAMIREZ, ESQ. Nevada Bar No. 6787 I-CHE LAI, ESQ. Nevada Bar No. 12247 300 South Fourth Street, 11 th Floor Las Vegas, NV 89101 <i>Attorneys for Defendant Castle Bay Shore Village of Los Prados Homeowners Association</i>	AKERMAN LLP <u>/s/ Tenesa S. Scaturro</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 TENESA S. SCATURRO, ESQ. Nevada Bar No. 12488 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 <i>Attorneys for Plaintiff Bank of America, N.A.</i>
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IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: ___November 4, 2016___

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